



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: 23 September 2005  
Comment Deadline: 11 October 2005  
Corps Action ID #: 200521370

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** *George A. Howard, Member/Manager  
Restoration Systems, LLC  
1101 Haynes Street, Suite 107  
Raleigh, NC 27604*

**AGENT (if applicable):** *Randy Turner, Project Manager  
Restoration Systems, LLC  
1101 Haynes Street, Suite 107  
Raleigh, NC 27604*

## Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures Section 404 of the Clean Water Act.

## Location

Lowell Mill Dam is located on 16.5 acres at the terminus of a private dirt path off Lowell Mill Dam Road, approximately 0.5 mile northeast of Bagley Road, southwest of Kenly, Johnston County, North Carolina (N 35 33 57.5; W 78 09 38.6). The project would impact Little River, Little Buffalo Creek and several of their unnamed tributaries (8-Digit Cataloging Unit 03020201).

## Existing Site Conditions

The land use in the area surrounding the project consists primarily of agricultural or wooded tracts of land interspersed with single-family residences in a rural setting. The

site consists of an abandoned mill dam, whose backwaters flood approximately 7 miles of the Little River, Little Buffalo Creek and their tributaries. One small wetland pocket located north of the river immediately west of the dam within an alluvial land deposit will be eliminated during grading activities that are part of the dam site sediment stabilization phase of the work. The wetland area (0.02 acre) to be impacted by the project is an inclusion within soils that are mapped as either Altavista or State non-hydric soils (Figure C). The wetland is vegetated by American elm (*Ulmus Americana*), green ash (*Fraxinus Americana*), red maple (*Acer rubrum*), river birch (*Betula nigra*), silky dogwood (*Cornus amomum*), buttonbush (*Cephalanthus occidentalis*), alligator-weed (*Alternanthera philoxeroides*), lizard's tail (*Saururus cernuus*), pokeweed (*Phytolacca Americana*), honeysuckle (*Lonicera japonica*), morong (*Peltandra sagittifolia*), and woolgrass (*Scirpus cyperinus*). Another jurisdictional riparian area located on the north bank of the river east of the dam will be impacted by the discharge of the dam debris following demolition activities. Surface waters of the Little River will receive minor impacts from discharges of sediment and demolition debris.

### **Applicant's Stated Purpose**

As stated by the applicant, the purpose of the proposed work is to remove the existing dam in order to restore natural lotic functionality to impounded reaches of Little River, Little Buffalo Creek and their tributaries. Removal of the dam is to restore anadromous fish migrations upstream of the dam and to restore habitat for rare and endangered mussel species.

### **Project Description**

The project consists of removal of a reinforced concrete dam (0.09 acre) and old millhouse remnant (0.02 acre) to be removed at the Lowell Mill site on the Little River in Johnston County. Work would employ heavy construction equipment and low-grade explosives to fracture the concrete structure. Specifically, the project would result in the loss of a small wetland pocket (0.02 acre), and 0.05 acre of open water near the north end of the dam. These discharges resulting in permanent losses to waters of the United States are associated with the disposal of dam debris and will assist in stabilizing the riverbank in the vicinity of the dam. The project will also have temporary discharges to waters of the United States resulting from the following activities: construction equipment access within the riverbed in support of demolition activities (Figure D); demolition activities including dismembering structures (dam and millhouse), loading and transport of debris to on-site disposal area; and the grading and excavation of an alluvial formation immediately west of the dam on the north side of the river (Figure C), which will require a minor relocation of the river's thalweg.

## **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Mr. John Hennessy (NC Department of Transportation projects) or Ms Cyndi Karoly (all other projects) by October 5, 2005.

## **Essential Fish Habitat**

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

## **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work. Furthermore, on November 17, 2004, the State Historic Preservation Office (SHPO) provided the applicant with its written concurrence that the proposed action is not likely to effect historic properties.

## **Endangered Species**

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat. The applicant has

coordinated their proposed project with the United States Fish and Wildlife Service (Service) and received a letter from the Service dated December 8, 2004, which indicated that the project area does not contain habitat for the red cockaded woodpecker (*Picoides borealis*) and Michaux's sumac (*Rhus michauxii*) and concurred with the determination of no effect for these two species. While the feasibility study indicated that habitat is present for the bald eagle (*Haliaeetus leucocephalus*), dwarf wedgemussel (*Alasmidonta heterodon*) and the Tar spinymussel (*Elliptio steinistansana*), the Service concluded that the project is not likely to adversely affect these three species.

## **Evaluation**

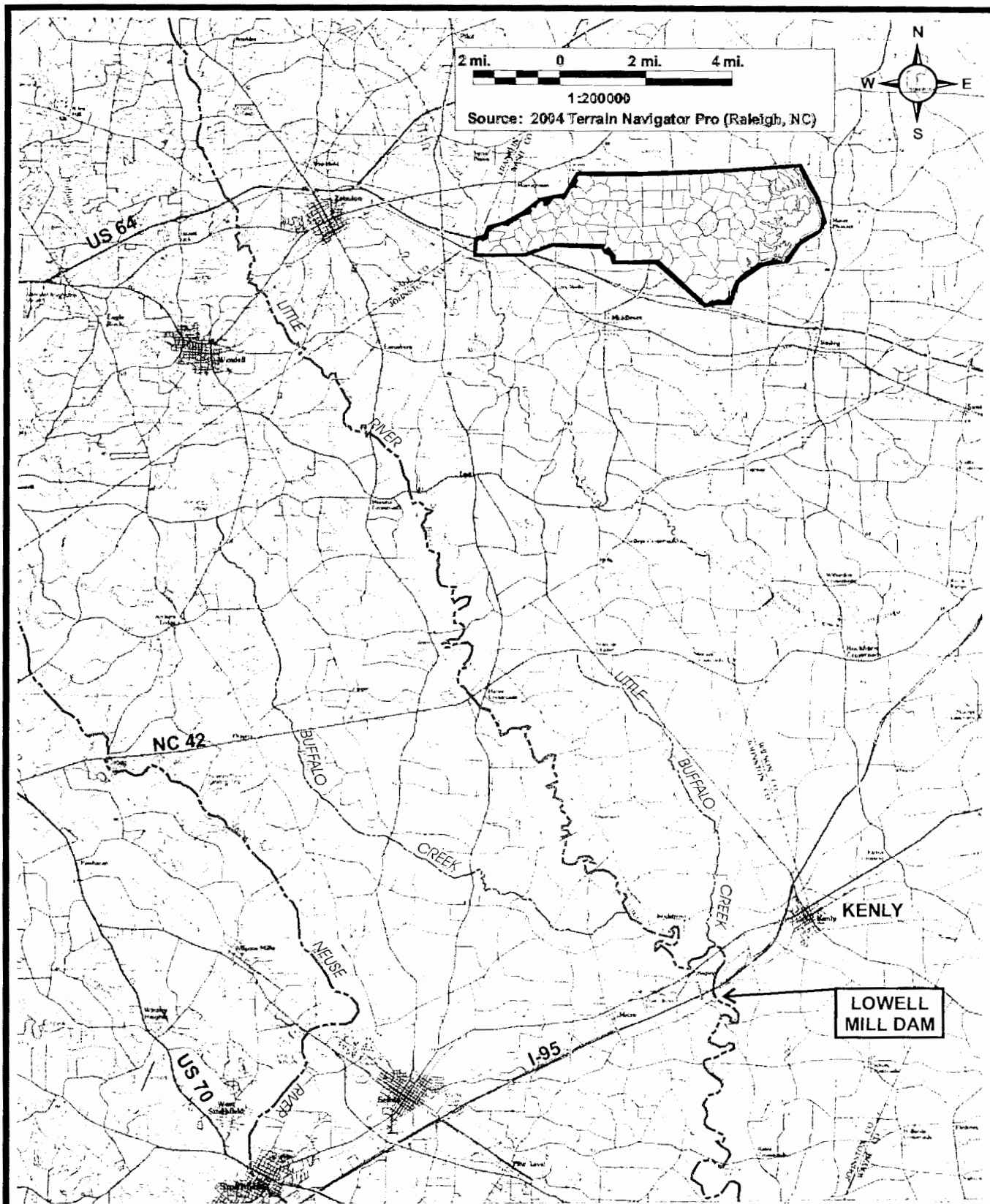
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

## **Commenting Information**

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, October 11, 2005. Comments should be submitted to Jean B. Manuele at 919-876-8441, Ext. 24.



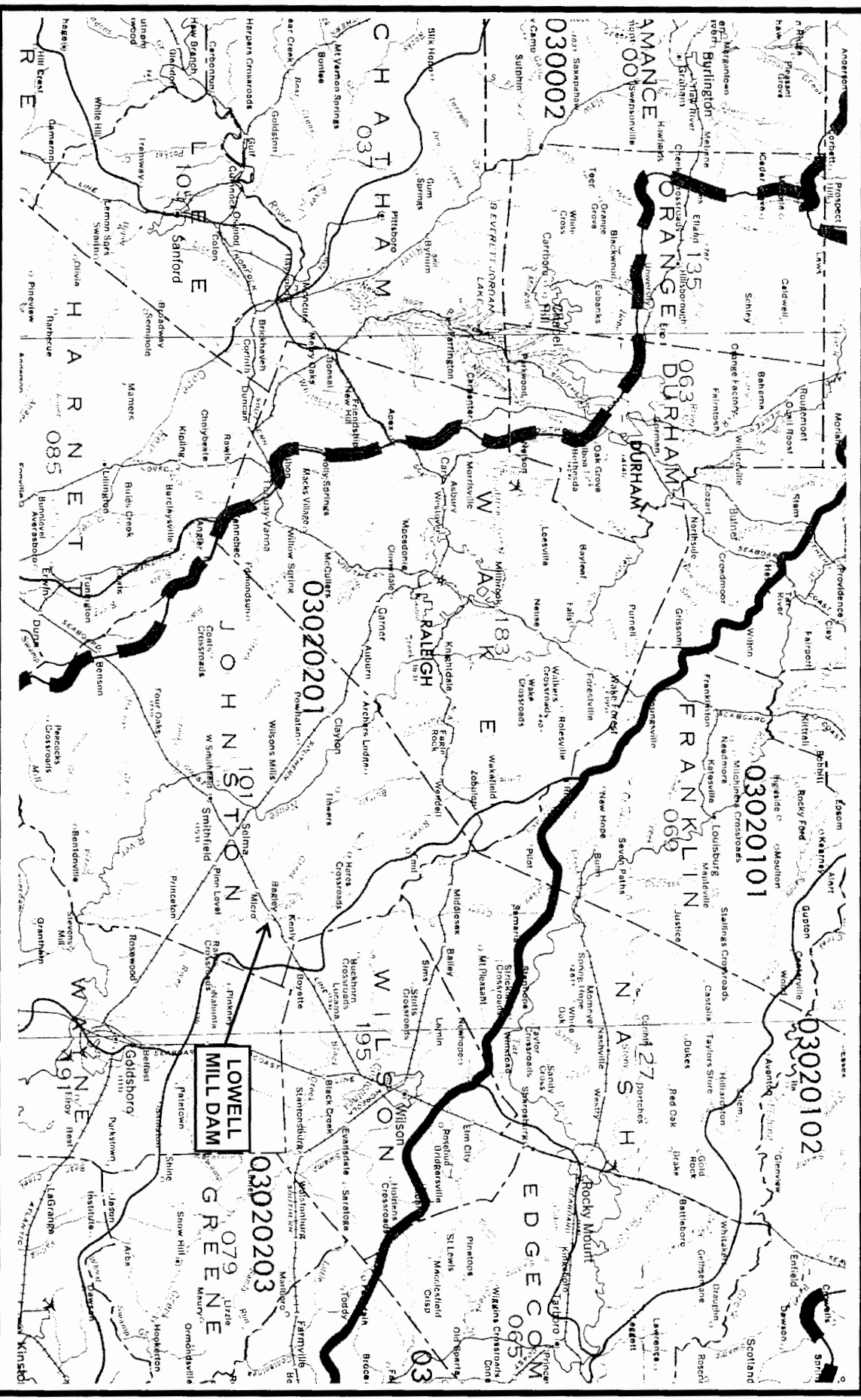
### SITE LOCATION

Lowell Mill Dam - Little River Watershed Restoration Site  
Johnston County, North Carolina

Dwn by	JWG
Ckd by	RT
Date	SEP 2005
Project	ESC 05-242.01

FIGURE

1

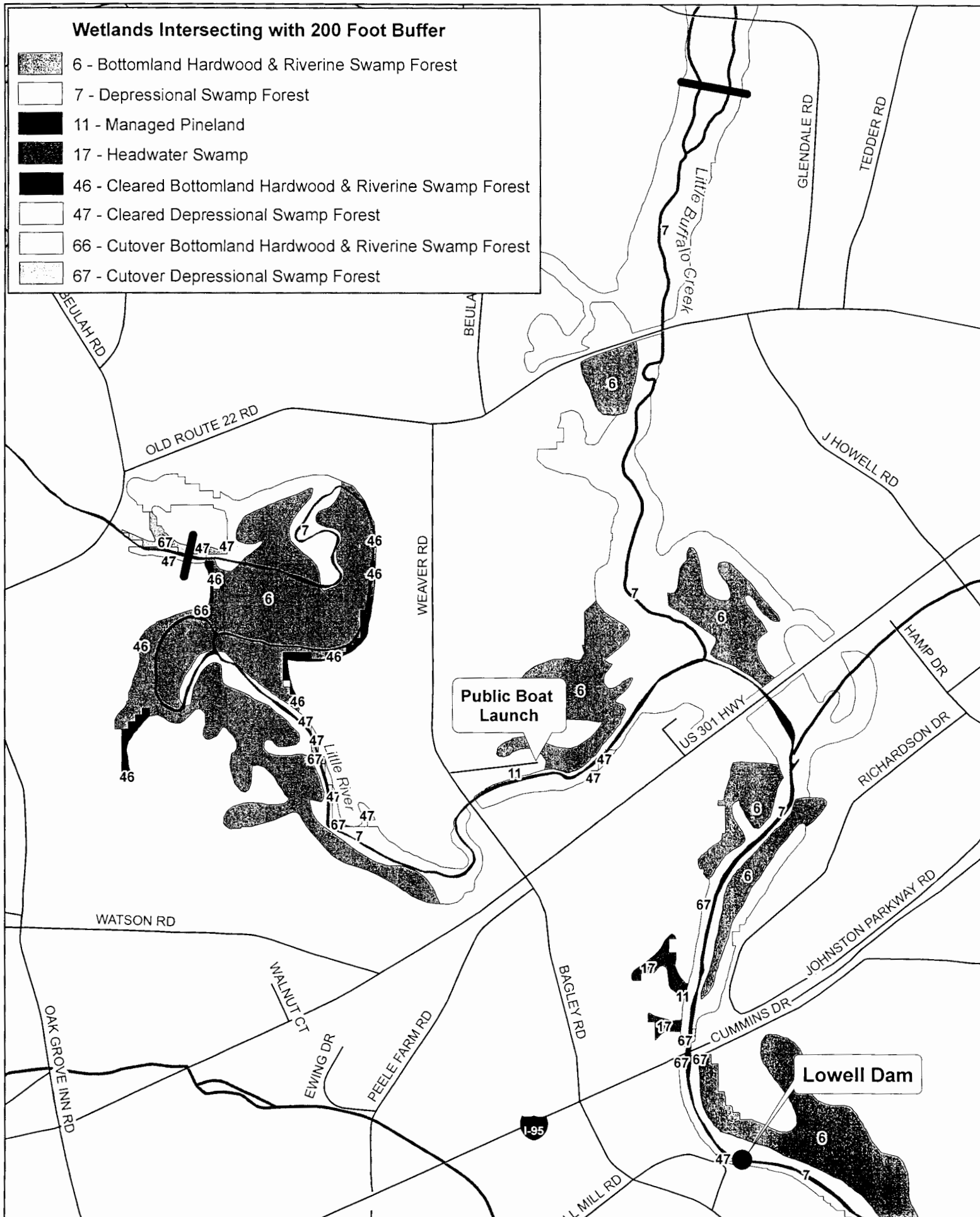


**USGS SUB-BASIN AND 8-DIGIT HYDROLOGIC UNIT**  
**Lowell Mill Dam - Little River Watershed Restoration Site**  
 Johnston County, North Carolina





Drawn by	JWG	FIGURE
Chk by	RT	
Date	SEP 2005	
Project	ESC 05-242.01	
		<b>2</b>

# Wetlands Intersecting with 200 Foot Buffer

-  6 - Bottomland Hardwood & Riverine Swamp Forest
-  7 - Depressional Swamp Forest
-  11 - Managed Pineland
-  17 - Headwater Swamp
-  46 - Cleared Bottomland Hardwood & Riverine Swamp Forest
-  47 - Cleared Depressional Swamp Forest
-  66 - Cutover Bottomland Hardwood & Riverine Swamp Forest
-  67 - Cutover Depressional Swamp Forest



**Figure 3: Lowell Mill Dam  
DCM Wetland Layer**

-  Lowell Dam Site
-  Streams
-  Impoundment Reach
-  Street Centerlines

Sheet 3 of 10

0 380 760 1,520 2,280 3,040 Feet N



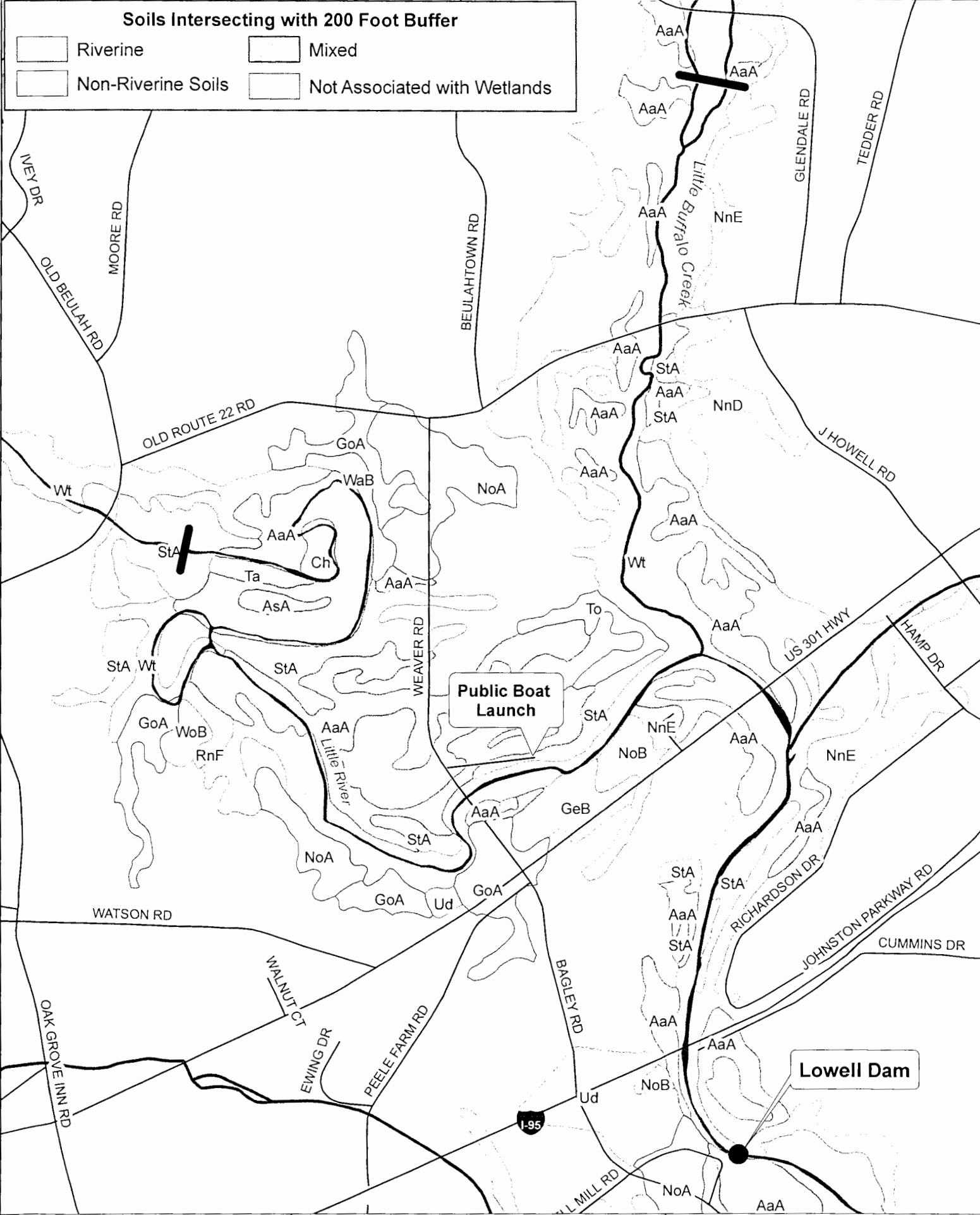
**Soils Intersecting with 200 Foot Buffer**

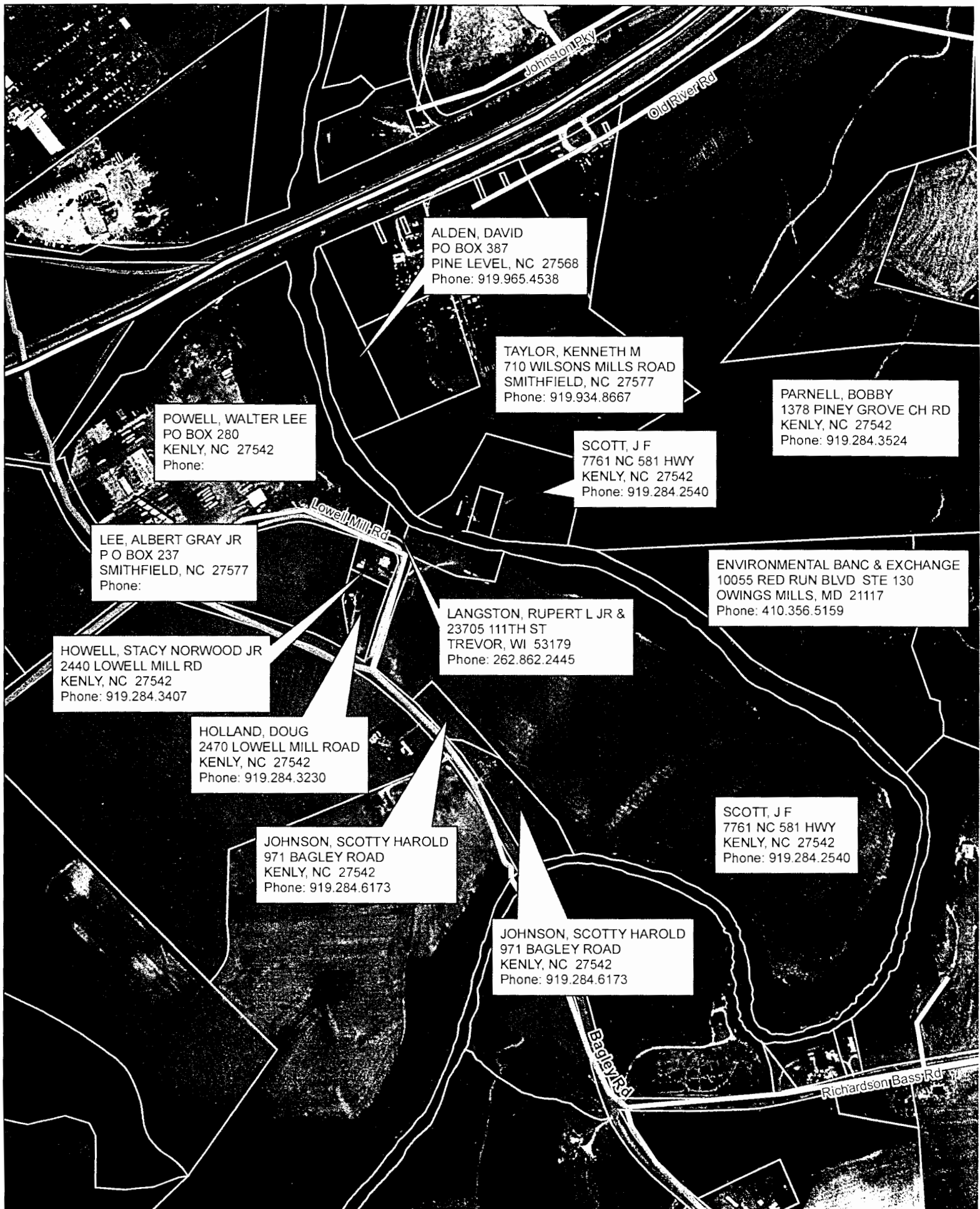
Riverine

Mixed

Non-Riverine Soils

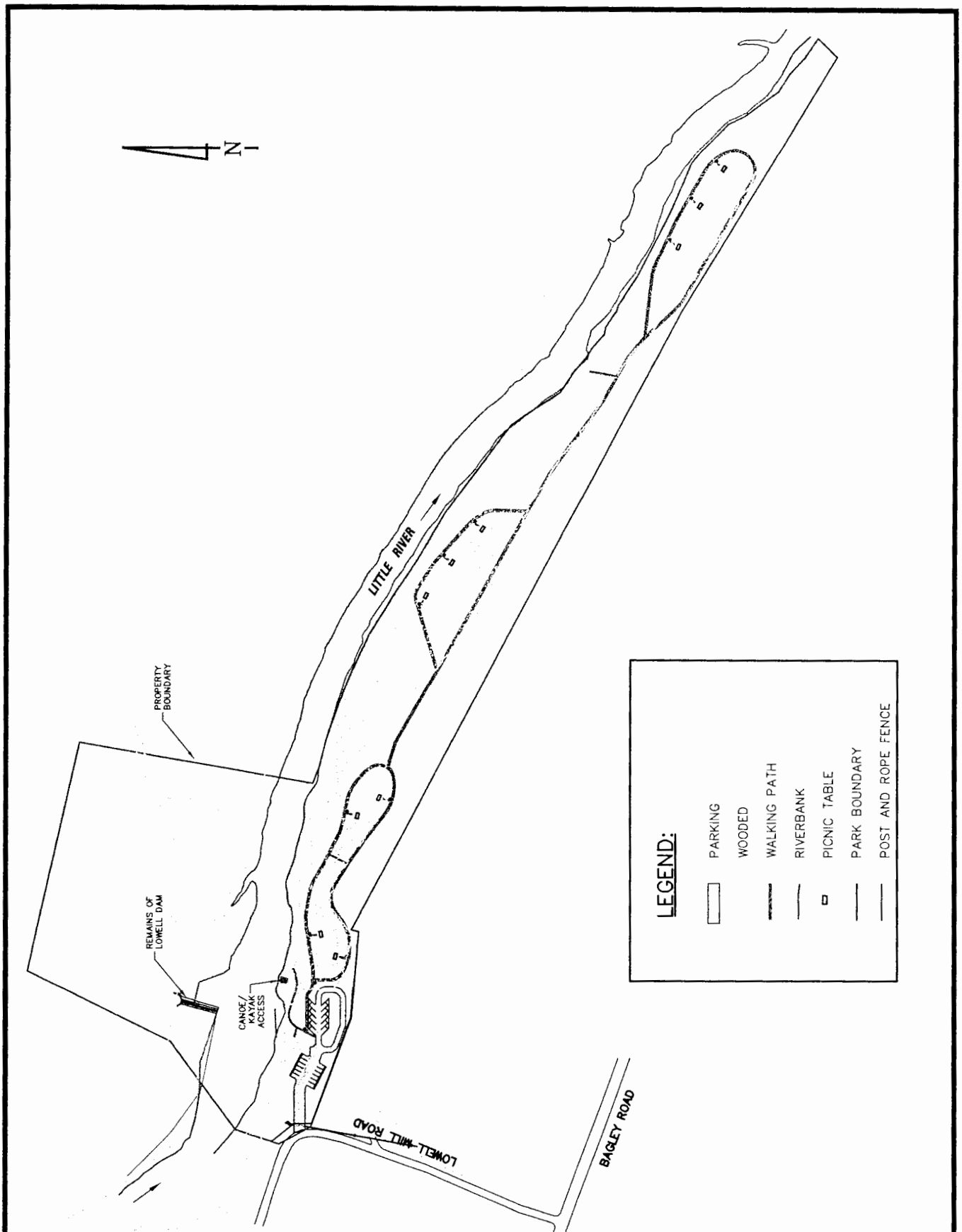
Not Associated with Wetlands





**Figure 5: Lowell Dam Surrounding Land Owners**

Sheet 5 of 10



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LOWELL MILL DAM  
 LITTLE RIVER WATERSHED RESTORATION SITE

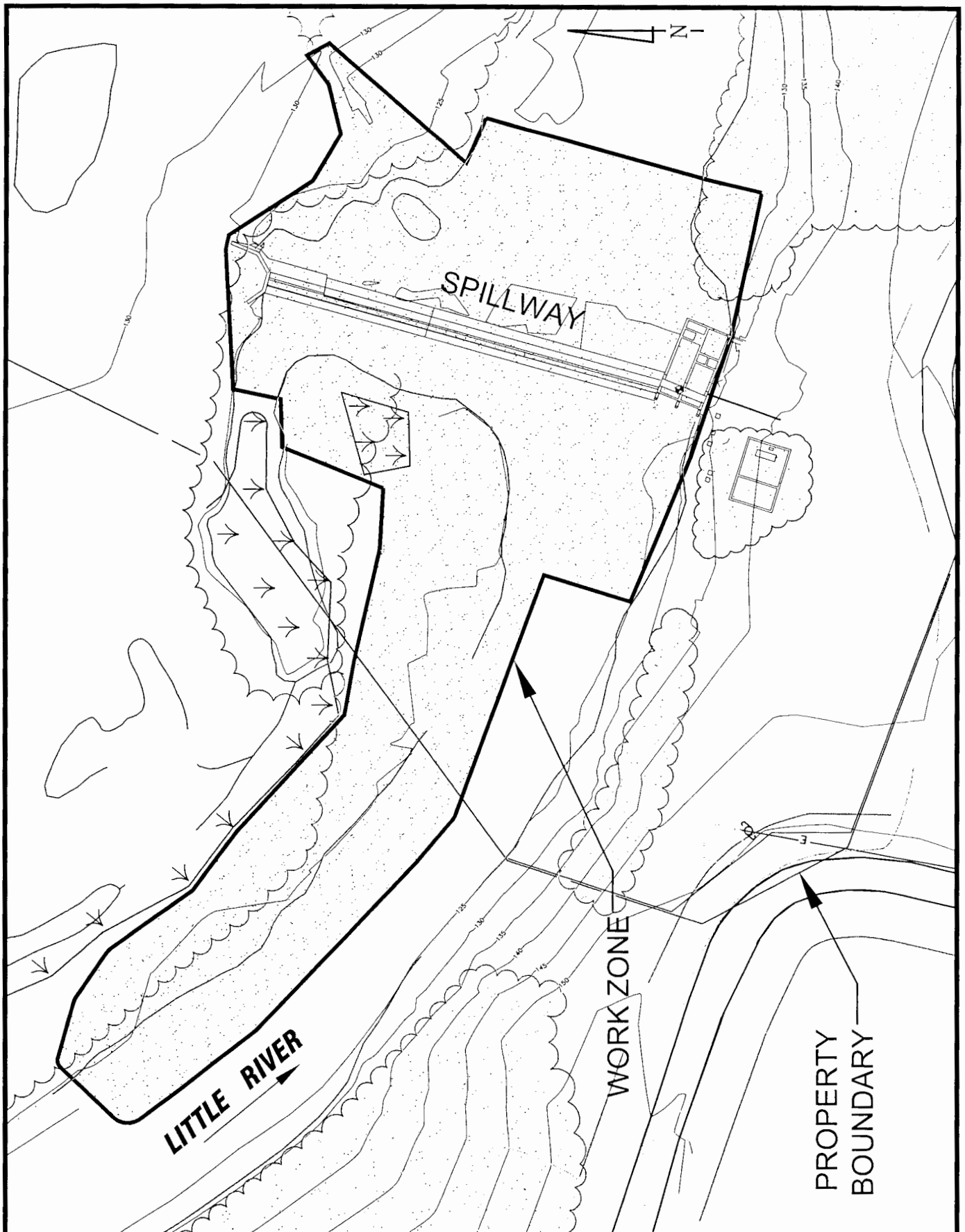
JOHNSON COUNTY PARK CONCEPT PLAN

DATE: 9/06/05

SCALE: N.T.S.

FIGURE:

A



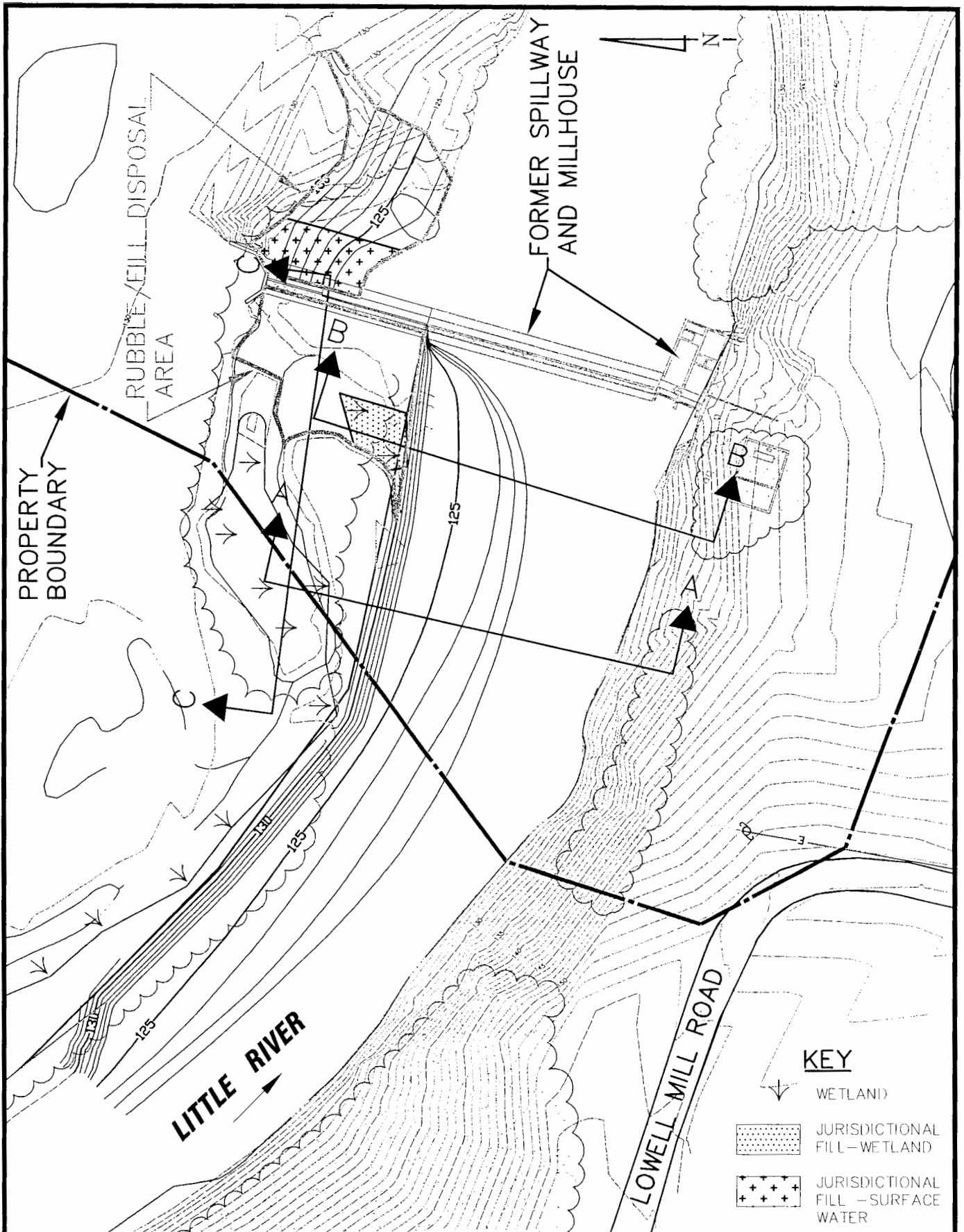
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LOWELL MILL DAM  
 LITTLE RIVER WATERSHED RESTORATION SITE

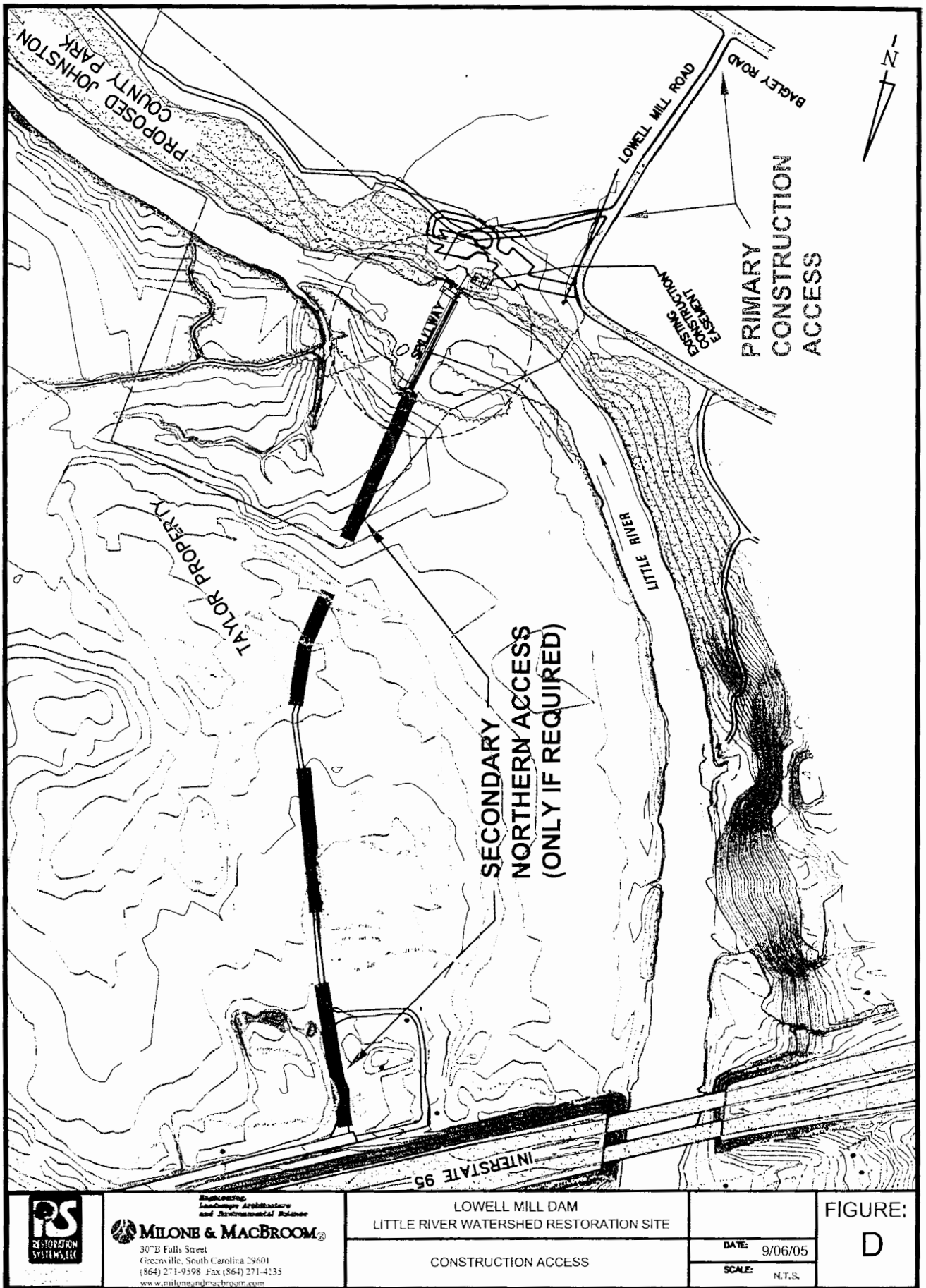
WORK ZONE

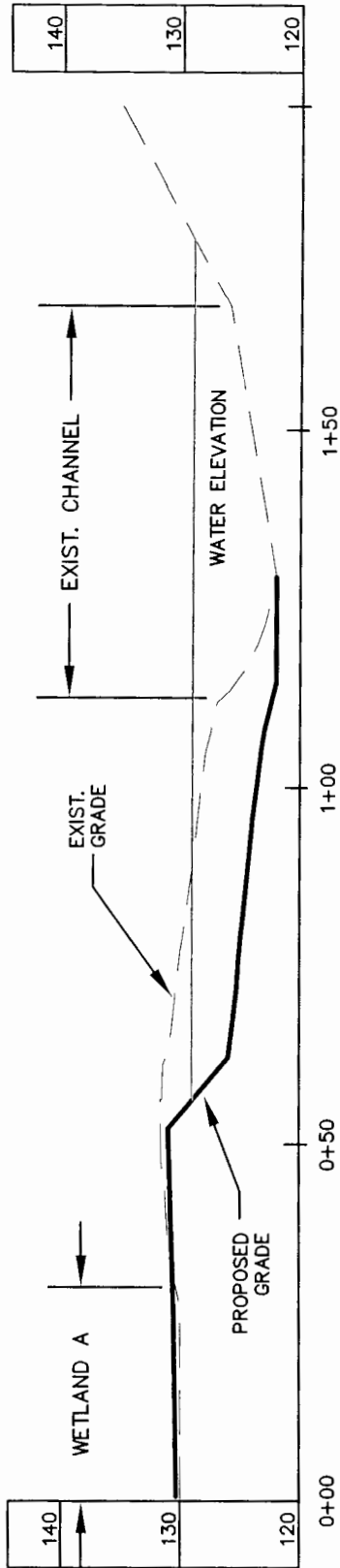
DATE: 9/06/05  
 SCALE: N.T.S.

FIGURE:  
**B**

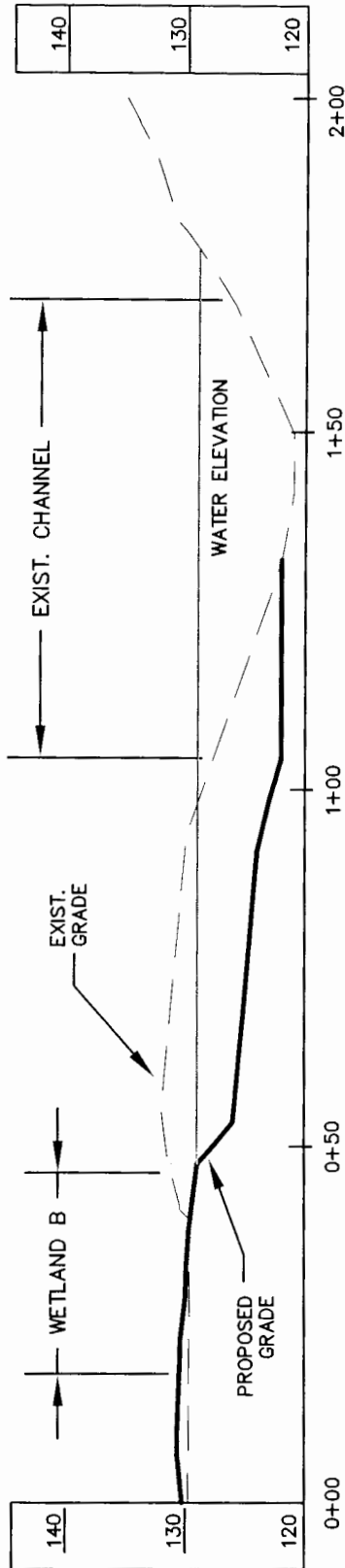


	 <p><b>MILONE &amp; MACBROOM®</b> 107B Falls Street Greenville, South Carolina 29601 (864) 271-9598 Fax (864) 271-4135 www.miloneandmacbroom.com</p>	LOWELL MILL DAM LITTLE RIVER WATERSHED RESTORATION SITE		FIGURE: <b>C</b>
		CHANNEL RECONFIGURATION		
		DATE:	9/06/05	
		SCALE:	N.T.S.	

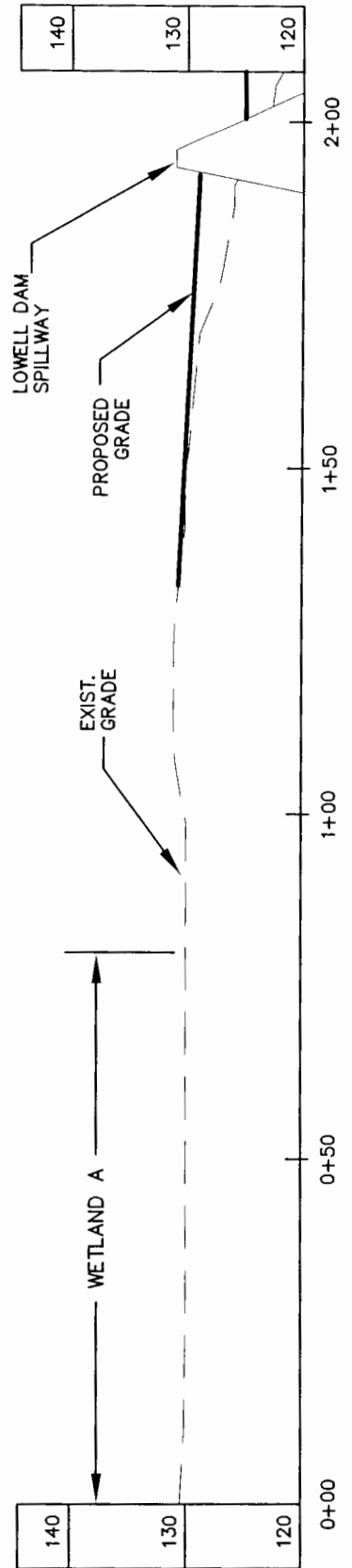




SECTION A-A



SECTION B-B



SECTION C-C



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LOWELL MILL DAM  
 LITTLE RIVER WATERSHED RESTORATION SITE

PROPOSED CROSS SECTIONS

DATE: 9/06/05

SCALE: N.T.S.

FIGURE:  
**E**